

Chapter 10

HEALTH AND SANITATION

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Article 10-1

METHODS OF GARBAGE AND TRASH REMOVAL

Sections:

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Section 10-1-1 Hauling Refuse

It is unlawful for any person to haul or cause to be hauled any refuse on or along any public street, avenue or alley in the town in violation of any of the provisions in this chapter.

Section 10-1-2 Vehicles and Receptacles to be Spillproof

It is unlawful for any person to haul or cause to be hauled on or along any public street in the town any garbage, unless such garbage is contained in strong, watertight vehicles or vehicles with watertight receptacles, constructed to prevent any such garbage from falling, leaking or spilling and any odor from escaping.

Section 10-1-3 Spilled Refuse

Any person hauling any refuse along the streets of the town shall immediately replace in the conveyance used for such hauling any refuse which may fall upon any street.

Section 10-1-4 Dumping Refuse

It is unlawful for any person to place or cause to be placed any refuse upon any public or private property within the town except as specifically permitted in this chapter.

Section 10-1-5 Recycling and Once-a-Week Collection

Garbage haulers shall institute either (1) twice-a-week garbage collection, or (2) once-a-week recyclable material collection at curbside, in addition to once-a-week garbage collection.

(01-13, Added, 08/02/2001, Council approved Ord. 01-13)

Section 10-1-6 Fly-Tight and Clean Garbage Containers

All garbage haulers operating within Town limits shall provide fly-tight and clean garbage containers that are in good condition. Residents shall keep containers reasonably clean and free from fly larva, intense odors, and an unusually high number of flies. Containers found to contain fly larva shall immediately be removed and replaced by the garbage hauler.

(01-13, Added, 08/02/2001, Council approved Ord. 01-13)

Section 10-1-7 Inspections

The Town of Fountain Hills shall inspect annually, a minimum of 25% of the single-family residential containers. Inspections will determine resident compliance with applicable laws and regulations, and ensure that refuse haulers are providing fly-tight containers in good condition. The Town shall maintain an inspection log.

(01-13, Added, 08/02/2001, Council approved Ord. 01-13)

Section 10-1-8 Enforcement

Failure to comply may subject residents and/or garbage haulers to penalties including, but not limited to, initial warnings, civil action, and/or removal from the variance, which would mandate subsequent twice-a-week garbage service.

(01-13, Added, 08/02/2001, Council approved Ord. 01-13)

Section 10-1-9 Garbage and/or Recycling Collection Hours

Garbage Haulers shall collect garbage and/or recyclable material only between the hours of 6:00 a.m. and 7:00 p.m.

(08-06, Added, 02/21/2008)

Article 10-2

LITTER; NUISANCES

Sections:

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10-2-16	Maintenance of Pools, Spas and Similar Water Features
10-2-17	Abatement of Nuisances
10-2-18	Penalties

Section 10-2-1 Definitions

In this article, unless the context otherwise requires:

- A. "Aircraft" means any contrivance now known or hereafter invented, used or designed for navigation or for flight in the air, and includes, but is not limited to, helicopters and lighter-than-air dirigibles and balloons.
- B. "Animal" means any and all types of animals, both domestic and wild, male and female, singular and plural.
- C. "Authorized private receptacle" means a litter storage and collection receptacle as required and authorized in this article.
- D. "Commercial Handbill" means any printed or written matter, any sample or device, circular, leaflet, pamphlet, paper, booklet, or any other printed, or otherwise reproduced original or copies of any matter or literature:
 - 1. Which is not defined as in this chapter as either a newspaper or a non-commercial handbill; and
 - 2. Which advertises for sale any merchandise, product, commodity, or thing; or
 - 3. Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interests thereof by sales; or

4. Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind, for which an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition, or event of any kind, when in either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order. Nothing contained in this clause shall be derived to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition, or event of any kind without a license, where such license is or may be required by any law of this state, or under any ordinance of this town; or
 5. Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.
- E. "Fowl" means any and all fowl, domesticated and wild, male and female, singular and plural.
- F. "Garbage" means putrescible animal and vegetable wastes, resulting from the handling, preparation, cooking and consumption of food.
- G. "Litter" means garbage, refuse and rubbish and all other waste material which, if thrown or deposited in a manner prohibited by this article, tends to create a danger to public health, safety and welfare, and includes, but not by way of limitation, paper and metal, such as containers or cans.
- H. "Major repair" means the removal from any vehicle of a major portion thereof, including, but not limited to, the differential, transmission, head, engine block or oil pan.
- I. "Newspaper" means a publication regularly issued for dissemination of current news, matters of general interest and local happenings at stated short intervals of time whether such publication is distributed by paid subscription or for free. Such publication shall be from a known office of publication and shall bear the dates of issue and shall be numbered consecutively.
- J. "Non-commercial handbill" means any printed or written matter, any sample or device, circular, leaflet, pamphlet, magazine paper booklet, or any other printed or otherwise reproduced original or copies of any matter or literature not included in the definitions of a commercial handbill or a newspaper.
- K. "Park" means a park, reservation, playground, recreation center or any other public area in the town owned or used by the town and devoted to public recreation.
- L. "Private premises" means any dwelling, house, building or other structure designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and includes but is not limited to any yard, grounds, walk, driveway, porch, steps, vestibule or mail box belonging or appurtenant to such dwelling, house, building or other structure.
- M. "Public place" means any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.
- N. "Refuse" means all putrescible and non-putrescible solid wastes, except body wastes, including

garbage, rubbish, ashes, street cleanings, dead animals, abandoned, wrecked or junked vehicles or parts thereof and solid market and industrial wastes.

- O. "Rubbish" means non-putrescible solid wastes consisting of both combustible and non-combustible wastes, such as paper, wrappings, cigarettes, cardboard, metal cans, yard clippings, leaves, metal, wood, glass, bedding, crockery and similar materials.
- P. "Streets or road" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel, and includes the whole right-of-way of the public entity maintaining said way, whether such right-of-way is paved or not.
- Q. "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks, except for a device propelled solely by human power.

(98-01, Amended, 01/15/1998)

Section 10-2-2 Public Nuisances Defined

The following specific acts, omissions, conditions and things in or upon any private lot, building, structure or premises, or in or upon any public right-of-way, streets, avenue, alley, park, parkway or other public or private place in the town are hereby declared to be public nuisances, to wit:

- A. Privies, vaults, cesspools, sumps, pits or like places which are not securely protected from insects or rodents, or which are foul or malodorous, or which are not securely closed and protected or, if necessary, illuminated so as to prevent persons or objects from falling therein.
- B. Filthy, littered or trash-covered exterior areas, including all buildings and structures thereon and areas adjacent thereto.
- C. Animal manure in any quantity which is not securely protected from insects and the elements, or which is kept or handled in violation of any ordinance of the town or Maricopa County; provided, however, that nothing in this subsection shall be deemed to prohibit the utilization of such animal manure on any farm, garden or ranch in such a manner and for such purposes as are compatible with customary methods of good husbandry.
- D. Poison oak, poison ivy, or any noxious or toxic weeds or uncultivated plants (whether growing or otherwise), weeds, tall grass, uncultivated shrubs or growth higher than 24 inches or which present a fire hazard.
- E. Accumulations of bottles, glass, cans, ashes, small pieces of scrap iron, wire metal articles, bric-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster and all other trash and abandoned material, unless the same be kept in covered bins or metal receptacles approved by this code or any town ordinance.
- F. Accumulations of trash, litter, rags, empty barrels, boxes, crates, packing cases, mattresses, bedding excelsior, packing straw, packing hay, or other packing material, lumber, scrap iron, tin, and other metal, or anything whatsoever in which insects may breed or multiply or which provides harborage for rodents or which may create a fire hazard.

- G. Any unsightly and dangerous building, billboard or other structure, or any old abandoned or partially destroyed building or structure, or any building or structure commenced and abandoned.
- H. All places used or maintained as junk yards or dumping grounds, or for the wrecking, dissembling, repair or rebuilding of automobiles, trucks, tractors or machinery of any kind, or for the storing or leaving of worn out, wrecked or abandoned automobiles, trucks, tractors or machinery of any kind or of any of the parts thereof, or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons, which said places are kept or maintained so as to interfere with the comfortable enjoyment or the quality of life or property by and of others; provided, however, that nothing contained in this subsection shall be deemed to prohibit any automobile wrecking yard or other junk yard where the same is otherwise permitted by the town zoning ordinance and amendments thereto, which is operated in conformity therewith.
- I. Any putrid, unsound or unwholesome bones, meat, hides, skins, or the whole or any part of any dead animal, fish or fowl, butcher's trimmings and offal, or any waste vegetable or animal matter in any quantity, garbage, human excreta, sewage or other offensive substances accumulated on private or public property; provided, however, nothing herein contained shall prevent the temporary retention of waste in receptacles in the manner provided by a county health officer, this code or ordinance of the town.
- J. The erection, continuance or use of any building, room or other place in said town for the exercise of any trade, employment or manufacture which, by noxious exhalations, including, but not limited to, smoke, soot, dust, fumes or other gases, offensive odors or other annoyances, which is discomforting or offensive or detrimental to the health of individuals or of the public, except for normal exhalation or smoke produced by normal heating devices.
- K. Causing, allowing or permitting any artificial illumination of such intensity as to interfere substantially and unnecessarily with the use and enjoyment of public or private property by any considerable number of people, or with the lawful use of any school, public place or public street, or with any governmental or public function of the town, or as to constitute a hazard or threat to the public health, safety and welfare of the people of the town; provided, this subsection shall not apply where the person responsible for said artificial illumination is authorized by the town manager, any school within the town, this code or any ordinance of the town.
- L. Burning of refuse. No outside burning is allowed.
- M. Any unguarded or abandoned excavation, pit, well or hole dangerous, injurious or harmful to life or property.
- N. To leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under the control of any person and in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or other container which has an airtight door or lid, snap lock or other locking device which may not be released from the inside, without first removing said door or lid, snap lock or other locking device from said icebox, refrigerator or container.
- O. The doing of any act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or other thing either:
 - 1. Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous the free

passage or use, in the customary manner, of any stream, public park, parkway, square, sidewalk, street or highway in the town and is no less a nuisance because the extent of the annoyance or damage inflicted is unequal.

2. Obstructs the free use of property so as to essentially interfere with the comfortable enjoyment of life and property by an entire community or neighborhood or by a considerable number of persons.
- P. To leave or permit to remain overnight in the front yard of any private premises, construction equipment whether free standing or on one or more axles; or to store overnight in the front yard of any private premises, any building materials whether free standing or on pallets or skids, when such equipment or materials are not for use at the premises or stored pursuant to a valid and current building permit issued by the town for work at that premises. Equipment and materials may be stored in the side yard area of any private premises so long as they are screened from public view by a wall, fence or other permitted screen.
- Q. To allow any swimming or architectural pool, spa, pond, fountain or similar water feature located on real property within the Town to remain or be maintained in a condition that poses a health or safety hazard, harbors insect infestation or creates a visible deteriorated or blighted appearance including, without limitation, a stagnant or unfiltered condition.

(Ordinance 07-08, Amended, 08/02/2007, text added)

Section 10-2-3 Litter in Public Places; Construction Debris

- A. No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the town except in public receptacles, or in authorized private receptacles for collection.
- B. Construction debris shall not remain uncontained for more than twenty-four hours and shall be contained at all times upon the premises.

Section 10-2-4 Depositing Litter in Gutters

No person shall sweep into or deposit in any gutter, street or other public place within the town the accumulation of litter from any public or private sidewalk or driveway or any building or lot. Persons owning or occupying property or places of business shall keep the sidewalk and parkway in front of their premise free of litter.

Section 10-2-5 Litter Thrown from Vehicles

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the town, or upon private property.

Section 10-2-6 Littering from Trucks

No person shall drive or move any truck or other vehicle within the town unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any

street, alley or other public place.

Section 10-2-7 Littering in Parks

No person shall throw or deposit litter in any park within the town except in public receptacles and in such manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or public place. Where public receptacles are not provided, all litter shall be carried away from the park by the person responsible for its presence and properly disposed of.

Section 10-2-8 Deposit of Commercial Handbills on Public Property

No person shall throw or deposit any commercial or non-commercial handbill in or upon any sidewalk, street or other public place within the town, nor shall any person hand out or distribute or sell any commercial handbill in any public place, but nothing in this section shall be deemed to prohibit any person from handing out or distributing on any sidewalk, street or other place within the town, without charge to the receiver thereof, any non-commercial handbill to any person willing to accept it.

Section 10-2-9 Handbills: Commercial and Non-Commercial

- A. No person shall throw or deposit any commercial or non-commercial handbill in or upon any vehicle, but it is not unlawful on any public place for a person to hand out or distribute without charge to the receiver thereof, a non-commercial handbill to any occupant of a vehicle who is willing to accept it.
- B. No person shall throw or deposit any commercial or non-commercial handbill in or upon any private premises which are known, or should be known, to such person to be temporarily or continuously uninhabited or vacant.
- C. No person shall throw, deposit or distribute any commercial or non-commercial handbill upon any private premises, if requested by anyone thereon not to do so, or if there is placed on the premises in a conspicuous position near the entrance thereof, a sign bearing the words "No Trespassing", "No Peddlers or Agents", "No Advertisement", or any similar notice, indicating in any manner that the occupants of said premises do not desire to be molested or have their right of privacy disturbed, or to have any handbill left upon such premises.
- D. No person shall throw, deposit or distribute any commercial or non-commercial handbill in or upon private premises which are inhabited unless the handbill is so placed or deposited as to secure or prevent the handbill from being blown or drifted about the premises or sidewalks, streets or other public places, and except that mailboxes may not be so used when so prohibited by federal postal law or regulations. The provisions of this section shall not apply to the distribution of mail by the United States nor of newspapers as defined by this article.
- E. No person shall throw, deposit or distribute any commercial handbill in or upon private premises which are inhabited except upon the acceptance thereof, or the express consent therefor, by an occupant of such premises.

Section 10-2-10 Dropping Litter from Aircraft

No person in any aircraft shall throw out, drop or deposit within the town any litter, handbill or any other object.

Section 10-2-11 Deposit of Litter on Occupied Private Property

No person shall throw or deposit litter on any occupied private property within the town, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.

Section 10-2-12 Maintenance of Litter-Free Premises

The owner or person in control of any private property shall at all times maintain the premises free of litter; but this section shall not prohibit the storage of litter in authorized private receptacles for collection, or within any building when not in violation of any health, fire, building or any other regulation, ordinance, order or statute.

Section 10-2-13 Vacant Lots

No person shall throw or deposit litter on any open or vacant private property within the town whether owned by such person or not.

Section 10-2-14 Business Establishments - Receptacles

No person occupying or employed in any business establishment shall deposit any litter in any receptacle, unless such receptacle shall be provided with a lid of sufficient weight to prevent the escape of any litter from the receptacle. This provision shall not apply to boxes, either postboard or wooden, not less than six inches square in size, provided a receptacle shall be provided of sufficient size to prevent any such boxes from being carried or deposited by the elements upon any street, alley or other public place.

Section 10-2-15 Unsightly Premises

Every person owning, managing, or having charge, control or occupancy of any real property in the town shall not allow any part of such property visible from the street or adjoining premises to become so unsightly or untidy as to substantially detract from the appearance of the immediate neighborhood or tend to threaten the safety and welfare of the immediate neighborhood.

Section 10-2-16 Maintenance of Pools, Spas and Similar Water Features

A. It shall be the unlawful for any person owning, managing, or having charge, control or occupancy

of any real property in the town to allow any swimming or architectural pool, spa, pond, fountain or similar water feature located on such real property to remain or be maintained in a condition that poses a health or safety hazard, harbors insect infestation or creates a visible deteriorated or blighted appearance including, without limitation, a stagnant or unfiltered condition.

- B. All such pools, spas, ponds, fountains and similar water features shall be maintained to prevent bacterial growth, algae formation, debris accumulation and noxious odors.
- C. For the purposes of this section, the term "architectural" shall mean a constructed or excavated exterior area designed to hold water on a continuous basis other than for swimming, diving or bathing purposes.
- D. Emergency Abatement.
 - 1. For the purposes of this subsection, "imminent hazard" shall mean a condition existing upon any real property, whether within or without a building that, if left un-mitigated, would cause a reasonable person to believe that such condition presents an immediate threat to life, health or public safety.
 - 2. If a condition exists that would cause a violation of Section 10-2-16 of this chapter and such condition presents an imminent hazard to life, health or public safety, the Town may initiate an emergency abatement procedure as set forth below:
 - a. The Town shall notify, in writing, the owner, the owner's authorized agent, the owner's statutory agent, an occupant or the person responsible for the real property upon which the violation exists to correct the violation within 24 hours of receipt of such notice. The notice shall specify that, if the responsible party does not correct the violation within 24 hours of receipt of the notice, the Town may abate the violation and charge the cost of such abatement, plus reasonable administrative costs, to the property owner. Notice shall be deemed proper by any of the following methods:
 - (1) By hand delivering a copy of the notice to the owner, the owner's authorized agent, the owner's statutory agent, an occupant, lessee and/or person responsible for the violation, which notice shall be deemed given on the date that the notice is so delivered.
 - (2) By mailing of a copy of the notice, via US Mail (certified, return receipt requested) to the owner, the owner's authorized agent, the owner's statutory agent, an occupant, lessee and/or person responsible for the violation at the last known address, which notice shall be deemed given three days after such notice is deposited in the US Mail.
 - (3) By prominently posting a copy of the notice on the property, which notice is deemed given on the date of such posting.
 - b. The Town Manager or authorized designee may, at any time after the

condition creating the imminent hazard has been identified, and only after attempting to make contact with the occupants of the real property upon which the imminent hazard exists, enter upon the real property for the sole purpose of placing devices or chemicals to prevent insect breeding until such time as the imminent hazard may be fully abated.

3. When any such person to whom notice, as aforesaid, has been given, and on or before the date of compliance on the notice, fails, neglects or refuses to abate from such property the condition causing the imminent hazard, the Town Manager or designee is authorized and directed to cause same to be abated at the expense of the owner or person controlling such property. Upon completion of the work, the Town Manager or designee shall prepare a verified statement of account of the actual cost of such abatement, the date the work was completed, and the street address and the legal description of the property on which said work was done, including five percent for additional inspection and other incidental costs in connection therewith. The verified statement shall be personally served on the owner or person controlling such property, in the manner provided in Rule 4(d) of the Arizona Rules of Civil Procedure, or mailed to the owner or person controlling such property at his last known address by certified or registered mail, or the address to which the tax bill for the property was last mailed. If the owner does not reside on such property, a duplicate notice shall also be sent to him by certified or registered mail at his last known address. The owner or person controlling such property shall have 30 days from the date of service to appeal in writing to the Council from the amount of the assessment as contained in the verified statement. If an appeal is not filed with the Town Clerk within such 30-day period, then the amount of the assessment as determined by the Town Manager or designee shall become final and binding. If an appeal is taken, the Council shall, not later than its second regular meeting following receipt of such appeal notice, hear and determine the appeal. The Council may affirm the amount of the assessment, modify the amount thereof, or determine that no assessment at all shall be made. The decision of the Council shall be final and binding on all persons.
4. If no appeal is taken from the amount of the assessment described in subsection 3 above, or if an appeal is taken and the Council has affirmed or modified the amount of the assessment, the original assessment or the assessment as so modified, shall be recorded in the office of the Maricopa County recorder and, from the date of its recording, shall be a lien on said lot or tract of land until paid. Such liens shall be prior and superior to all other liens, obligations, mortgages or other encumbrances, except liens for general taxes. A sale of the property to satisfy a lien obtained under the provisions of this section shall be made upon judgment of foreclosure or order of sale. The Town shall have the right to bring an action to enforce the lien in the superior court at any time after the recording of the assessment, but failure to enforce the lien by such action shall not affect its validity. The recorded assessment shall be prima facie evidence of the truth of all matters recited therein and of the regularity of all proceedings prior to the recording thereof. A prior assessment for the purposes provided in this section shall not be a bar to a subsequent assessment or assessments for such purposes, and any number of liens on the same lot or tract of land may be enforced in the same action.

Section 10-2-17 Abatement of Nuisances

A public nuisance committed under this article may be abated (A) as set forth herein, (B) as set forth in Article 10-4 of this Code or (C) by any other means provided by law.

(Ordinance 07-08, Amended, 08/02/2007; 06-21, Renumbered, 08/17/2006)

Section 10-2-18 Penalties

Any person, whether as principal, owner, agent, tenant, employee or otherwise who maintains a nuisance upon any property within the town, violates any provision of this article, or fails to comply with any provision of this article, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable as provided in Article 1-8 of this code. The conviction of any person hereunder shall not relieve such person from the responsibility to correct such violation, nor prevent the enforcement, correction or removal thereof in any manner authorized by law. Every day that a nuisance is permitted to exist, or caused to continue to exist under this article shall be deemed a separate violation.

(06-21, Renumbered, 08/17/2006)

Article 10-3

ABANDONED VEHICLES

Sections:

10-3-1 Definitions

10-3-2 Appraisal

10-3-3 Removal

Section 10-3-1 Definitions

For purposes of this article, abandoned vehicle is as defined in A.R.S. § 28-1401. Evidence that a vehicle not having current registration was left unattended in an unsheltered location and open to public view for a period of thirty days or more on public or private property within the corporate limits of the town shall be prima facie evidence of abandonment.

Section 10-3-2 Appraisal

The law enforcement agency shall have authority to make appraisals of abandoned vehicles as prescribed by A.R.S. § 28-1401.01.

Section 10-3-3 Removal

The law enforcement agency is hereby authorized to cause the removal, storage and disposition of abandoned vehicles on public or private property within the corporate limits of the town in accordance with A.R.S. Title 28, Chapter 8, Article 5.

Article 10-4

REMOVAL OF LITTER

Sections:

- 10-4-1 Notice to Remove**
- 10-4-2 Service of Notice**
- 10-4-3 Appeal to Town Council**
- 10-4-4 Removal by Town**
- 10-4-5 Lien for Removal**
- 10-4-6 Placement of Debris**

Section 10-4-1 Notice to Remove

To compel the removal of litter through the provisions of this section and of Sections 10-4-2 through 10-4-5, if a person owning and/or controlling any property fails, neglects or refuses to remove or properly dispose of litter, located on property owned and/or controlled by such person, both the owner of the property and the person who is in control of the property shall be given written notice by the clerk to remove all litter from such property within thirty days from the date the notice was received by the owner and/or person in control of the property, and prior to the date of compliance on the notice. Such notice shall be received not less than thirty days before the date set thereon for compliance and shall contain an estimate of the cost of removal by the town, a statement that unless the person owning and/or controlling such property complies therewith within thirty days from the date such written notice is received that the town will, at the expense of both the person owning and the person controlling said property, perform the necessary work at a cost not to exceed the estimate given in the notice, and that the owner and/or the controller of the property may appeal in writing to the clerk within thirty days from the date the notice is received by him and prior to the date of compliance.

Section 10-4-2 Service of Notice

Notice shall be personally served on the owner or person controlling such property, by a police officer of the town in the manner provided in Rule 4(d) of the Arizona Rules of Civil Procedure, or mailed to the owner or person controlling such property at his last known address by certified or registered mail, or the address to which the tax bill for the property was last mailed. If the owner does not reside on such property, a duplicate notice shall also be sent to him by certified or registered mail at his last known address.

Section 10-4-3 Appeal to Town Council

Prior to the date set for compliance on the notice, the owner or person controlling such property may appeal in writing to the town council from the demand of the notice. The town council shall hear and determine the same and the decision of the town council shall be final. The town council may either affirm or reverse the decision or modify the scope of the work as required in the notice.

Section 10-4-4 Removal by Town

When any such person to whom notice, as aforesaid, has been given, and on or before the date of compliance on the notice, or within such further time as may have been granted by the council on appeal, fails, neglects or refuses to move from such property any or all litter, the clerk is authorized and directed to cause same to be removed and disposed of at the expense of the owner or person controlling such property. Upon completion of the work, the clerk shall prepare a verified statement of account of the actual cost of such removal or abatement, the date the work was completed, and the street address and the legal description of the property on which said work was done, including five percent for additional inspection and other incidental costs in connection therewith, and shall serve a duplicate copy of such verified statement upon the person owning or controlling such property in the manner prescribed in Section 10-4-2. The owner or person controlling such property shall have thirty days from the date of service upon him to appeal in writing to the council from the amount of the assessment as contained in the verified statement. If an appeal is not filed with the clerk within such thirty day period, then the amount of the assessment as determined by the manager shall become final and binding. If an appeal is taken, the council shall, at its next regular meeting, hear and determine the appeal and may affirm the amount of the assessment, modify the amount thereof, or determine that no assessment at all shall be made. The decision of the council shall be final and binding on all persons.

Section 10-4-5 Lien for Removal

If no appeal is taken from the amount of the assessment, or if an appeal is taken and the council has affirmed or modified the amount of the assessment, the original assessment or the assessment as so modified shall be recorded in the office of the county recorder and, from the date of its recording, shall be a lien on said lot or tract of land until paid. Such liens shall be prior and superior to all other liens, obligations, mortgages or other encumbrances, except liens for general taxes. A sale of the property to satisfy a lien obtained under the provisions of this section shall be made upon judgment of foreclosure or order of sale. The town shall have the right to bring an action to enforce the lien in the superior court at any time after the recording of the assessment, but failure to enforce the lien by such action shall not affect its validity. The recorded assessment shall be prima facie evidence of the truth of all matters recited therein and of the regularity of all proceedings prior to the recording thereof. A prior assessment for the purposes provided in this section shall not be a bar to a subsequent assessment or assessments for such purposes, and any number of liens on the same lot or tract of land may be enforced in the same action.

Section 10-4-6 Placement of Debris

It is unlawful for any person, firm or corporation to place any rubbish, trash, filth or debris upon any private or public property not owned or under the control of said person, firm or corporation and, in addition to any fine which may be imposed for a violation of any provision of this section, shall be liable for all costs which may be assessed pursuant to this article for the removal of said rubbish, trash, filth or debris.

Article 10-5

UNATTENDED CONTAINERS

Sections:

10-5-1 Unattended Containers

Section 10-5-1 Unattended Containers

No person shall place, display or maintain any unattended container for soliciting deposit of recyclable materials or donated items in any exterior location within the town limits, except in conformance with all of the following provisions:

- A. Such unattended containers may be located only within the parking lot of private property lawfully zoned, developed and used for commercial or industrial purposes or at schools, churches or charitable organizations which have similar parking facilities.
- B. Such unattended containers may be located only with the permission of the property owner, his agent or the person in possession of the property, and the container owner's name and current telephone number shall be displayed thereon in a conspicuous location.
- C. The owner of such unattended container and the property owner shall jointly or severally maintain all exterior areas within twenty-five feet of the container free from litter.

Article 10-6

ON-SITE REST ROOM FACILITIES

Sections:

10-6-1 On-Site Rest Room Facilities

Section 10-6-1 On-Site Rest Room Facilities

All construction sites shall provide on-site rest room facilities for employees while construction is occurring in conformance with all of the following provisions:

- A. There shall be a minimum of one toilet provided on-site for every single-family residential construction project. When the same general contractor has two single-family residential construction projects on adjoining lots with the same street frontage, one toilet located as close as possible to the common property shall fulfill the requirements of this article for both sites.
- B. When there is a non-single-family residential construction site, there shall be one toilet facility for every five thousand square feet of building area. Any fraction thereof shall be rounded up to require the additional toilet facility.

Article 10-7

DUST AND AIRBORNE PARTICULATE CONTROL

Sections:

- 10-7-1 Leaf Blowers**
- 10-7-2 Unpaved Areas**
- 10-7-3 Exemptions**
- 10-7-4 Compliance Monitoring**

Section 10-7-1 Leaf Blowers

It shall be unlawful for any person operating a leaf blower to blow landscape debris or dust into a public roadway.

(Ordinance 08-09, Amended, 04/17/2008; Ordinance 08-05, Added, 03/06/2008)

Section 10-7-2 Unpaved Areas

- A. Parking, maneuvering, ingress and egress areas at developments other than residential buildings with four or fewer units shall be maintained with one or more of the following dustproof paving methods:
 - 1. Asphaltic concrete.
 - 2. Cement concrete.
 - 3. Penetration treatment of bituminous material and seal coat of bituminous binder and a mineral aggregate.
 - 4. A stabilization method approved by the Town.
- B. Parking, maneuvering, ingress and egress areas 3,000 square feet or more in size at residential buildings with four or fewer units shall be maintained with one or more of the following dustproof paving methods:
 - 1. Asphaltic concrete.
 - 2. Cement concrete.
 - 3. Penetration treatment of bituminous material and seal coat of bituminous binder and a mineral aggregate.
 - 4. A stabilization method approved by the Town.

(Ordinance 08-05, Added, 03/06/2008)

Section 10-7-3 Exemptions

The provisions of Sections 10-7-1 and 10-7-2 do not apply to any site that has a permit issued by a control officer as defined in Arizona Revised Statutes Section 49-471, as amended, for the control of fugitive dust from dust generating operations.
(Ordinance 08-05, Added, 03/06/2008)

Section 10-7-4 Compliance Monitoring

A. Right of Entry; Inspection

The Town Manager or authorized designee shall be permitted to enter and inspect property subject to the provisions set forth in this Section as often as may be necessary to determine compliance with this Article.

1. If a property owner or occupant has security measures in place on the property that require proper identification and clearance before entry into the property, the property owner or occupant shall make the necessary arrangements to allow access to representatives of the Town.
2. Any temporary or permanent obstruction to safe and convenient access to the property to be inspected shall be promptly removed by the property owner or occupant upon request of the Town Manager or authorized designee and shall not be replaced until the inspection is complete. The costs to provide such access shall be borne by the property owner or occupant.

B. Search Warrants

If the Town Manager or authorized designee has been refused access to any part of the property believed to be in violation of this Article, and he/she is able to demonstrate probable cause that there may be a violation of any provision of this Article, or that there is a need to verify compliance with this Article or any order issued hereunder, or to protect the overall public health, safety and welfare of the community, the Town Manager or authorized designee may seek issuance of a search warrant from any court of competent jurisdiction.

(Ordinance 08-05, Added, 03/06/2008)